

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JULIE DELANEY et al
Plaintiff(s)

v.

CIVIL ACTION
NO. 05-10241-MLW

ELI LILLY
Defendant(s)

SCHEDULING ORDER

WOLF, D.J.

This case is governed procedurally by the 1992 Amendments to the Local Rules of the United States District Court for the District of Massachusetts (the "Local Rules"), which implement the District's Civil Justice Expense and Delay Reduction Plan. Counsel must, therefore, comply with the relevant Local Rules in the litigation of this case.

It is hereby ORDERED pursuant to Fed. R. Civ. P. 16(b) and Local Rule 16(f) that:

[X] 1. Any Motion to Amend the pleadings, or any Motion to File additional pleadings, shall be filed by MAY 27, 2005, and responses shall be filed as required by the applicable provisions of the Federal Rules of Civil Procedure.

[X] 2. The parties shall by MAY 6, 2005 make the automatic document disclosure required by Local Rule 26.2(A) and, if applicable, disclose the information required by Local Rule 35.1

[X] 3. The parties shall by MAY 6, 2005 make the disclosure authorized by Local Rule 26.1(B)(1) and (2).

[] 4. Discovery shall initially be limited to the issue(s) of The Statute of Limitations Defense and Product Identification, including, the deposition of the plaintiff, her mother, the pharmacist and the treating physician, and shall be complete by SEPTEMBER 30, 2005.

[X] 5. Counsel for the parties shall confer and, by OCTOBER 28, 2005, file a report as to the prospects for settlement and whether either party feels there is a proper basis for filing a motion for summary judgment.

[X] 6. A scheduling conference will be held on NOVEMBER 10, 2005 at 3:00 PM and must be attended by trial counsel with full settlement authority or with their client(s). If appropriate, a schedule for filing motions for summary judgment will be established at this conference.

All provisions and deadlines contained in this Order having been established with the participation of the parties to this case, any requests for modification must be presented to the judge or magistrate judge, if referred for case management proceedings. Any requests for extension will be granted only for good cause shown supported by affidavits, other evidentiary materials, or reference to pertinent portions of the record. The request shall be made by motion and shall contain the reasons for the request, a summary of the discovery which remains to be taken, and a date certain when the requesting party will complete the additional discovery.

Counsel are encouraged to seek an early resolution of this matter. Additional case management conferences may be scheduled by the Court or upon the request of counsel.

By the Court,
DENNIS P. O'LEARY

April 22, 2005
Date

/s/ Dennis O'Leary
Deputy Clerk